



PATENT
Attorney Docket No. 211352
Client Reference No. 20462-CPA-RI-RCE

SUPPLEMENTAL COMBINED DECLARATION
FOR UTILITY OR DESIGN PATENT APPLICATION
AND POWER OF ATTORNEY

- Declaration Submitted with Initial Filing OR
 Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CREATINE AMIDINOHYDROLASE, PRODUCTION THEREOF AND USE THEREOF

the specification of which:

- is attached hereto.
 was filed on August 28, 2001, as Application No. 09/940,941 and was amended on August 12, 2002, May 1, 2003 (entered May 6, 2003), November 6, 2003, December 22, 2003, and herewith..
 was filed by Express Mail No. as Application No. *not known yet*, and was amended on *(if applicable)*.
 was filed on as PCT International Application No. PCT/ and was amended on *(if any)*.

I state that I have reviewed and understand the contents of the specification identified above, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I claim foreign priority benefits under 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) designating at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, utility model, design registration, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter and having a filing date before that of the application(s) from which the benefit of priority is claimed.

PRIOR FOREIGN APPLICATION NUMBER(S)	COUNTRY	FOREIGN FILING DATE (MM/DD/YYYY)	PRIORITY CLAIMED		CERTIFIED COPY ATTACHED	
			YES	No	YES	No
25435/1996	Japan	02/13/1996	X			X

In re Appln. of Sogabe et al.
Application No. 09/940,941

As a named inventor, I hereby appoint Leydig, Voit & Mayer, Ltd. to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 23460.

23460

I further direct that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 23460.

23460

I previously executed a Combined Declaration and Power of Attorney (submitted on August 28, 2001) and a corrected Combined Declaration and Power of Attorney (submitted on August 12, 2002) with respect to the present reissue patent. I hereby reaffirm the statements made in the previously executed Combined Declaration and Power of Attorney and corrected Combined Declaration and Power of Attorney.

In the previously executed Combined Declaration and Power of Attorney and corrected Combined Declaration and Power of Attorney, I stated that I believed the original patent, U.S. Patent No. 6,080,553, to be partially inoperative by reason of claiming less than the applicants had a right to claim. I continue to have such a belief for the reasons stated in the previously executed Combined Declaration and Power of Attorney and corrected Combined Declaration and Power of Attorney, as well as for the reasons stated in this Supplemental Combined Declaration and Power of Attorney.

The original patent describes and claims a creatine amidinohydrolase, reagent, method of production thereof, and method of use thereof. The creatine amidinohydrolase is defined by physicochemical properties, such as action, optimum temperature, optimum pH, Km value, molecular weight, and isoelectric point. The isoelectric point (pI) for the creatine amidinohydrolase is recited in the specification and claims of the original patent as 3.5 but in fact was and is 4.5. This error and any other errors (i.e., all errors) were made without any deceptive intent on the part of the applicants and were discovered only relatively recently, during a review of the patent claims after the issuance of the original patent. To rectify this and other errors, the specification and claims of the original patent have been amended by way of amendments filed in the present reissue application (such amendments were submitted on the dates recited above in this Supplemental Combined Declaration and Power of Attorney). Every error in the original patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this reissue application, arose without any deceptive intention on the part of the applicants.

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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In re Appln. of Sogabe et al.
Application No. 09/940,941

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Declaration (Revised 7/18/2003)